

Message Text

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ACTION EB-11

INFO OCT-01 ARA-16 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

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R 111400Z SEP 73

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 3543

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E.O. 11652: N/A

TAGS: ETRN, AR

SUBJ: US/ARGENTINA CIVAIR ARRANGEMENT

REF: A. STATE 174557; B. BA 6575

1. IN DEPARTMENT STUDY CONCERNING SUBJECT IN RELATION TO PROJECTED RESPONSE TO SITUATION DESCRIBED REF B AND IN PREPARATION FOR FUTURE DISCUSSIONS WITH GOA, EMBASSY BELIEVES IT MAY BE HELPFUL TO OUTLINE QUOTE WHY ARGENTINES THINK TEXT OF 1947 AGREEMENT HAS LEGAL STATUS UNQUOTE.

2. IN DOCUMENT NO. 3, PART III, OF GROUP OF DOCUMENTS POUCHED WASHINGTON SEPT 5 (SEE PARA 5 REF B), WHICH PURPORTS TO BE A LEGAL BRIEF ON THE STANDING OF THE MEMO OF CONSULTATION, THE FOLLOWING ALLEGATIONS ARE PRESENTED: (A) AN AGREEMENT WAS SIGNED ON MAY 1, 1947 IN BA BY USEMB AND CHIEF OF CAB WITH FONMIN AND SECRETARY OF AERONAUTICA, (B) IN 1949 AND 1950 USG MAINTAINED THAT AGREEMENT WAS NULL AND VOID AND HAD NOT ENTERED INTO EFFECT FOR LACK OF ROUTE ANNEX. ARGENTINE POSITION WAS THAT AGREEMENT OR CONTRACT WAS SIGNED BY US PLENIPOTENTIARY. USG DID NOT INVOKE VALID REASON FOR NULLITY OF AGREEMENT; (C) 1947 AGREEMENT CALLED FOR PARTIES TO REGISTER AGREEMENT WITH ICAO. ARGENTINA DID SO IN ACCORDANCE WITH ARTICLE 81 CHICAGO CONVENTION (HERE DOCUMENT QUOTES ICAO FILE NO. 662 - DOC 6948 - LGB/29); (D) ARTICLE X OF 1947 AGREEMENT ESTABLISHES FORM OF DENUNCIATION OR TERMINATION; (E) NEITHER OF PARTIES HAS DENOUNCED

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AGREEMENT IN FORM SPECIFIED.

3. WE BELIEVE THAT IT IS ON THE BASIS OF A RATIONALE SUCH
AS THAT OUTLINED ABOVE THAT GOA MAY, AT LEAST DURING THE
EARLY PART OF ANY NEW NEGOTIATION, MAINTAIN THAT 1947 BILATERAL
AGREEMENT HAS CONSIDERABLE LEGAL STATUS AND WILL TRY USE THIS
POSITION TO MODIFY COMMITMENTS IN MOU.
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Disposition Authority: golinofr
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Disposition Reason:
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